

Appl. No. 10/696,794
Examiner: Hewitt, James M, Art Unit 3679
In response to the Office Action dated July 9, 2007

Date: November 13, 2007
Attorney Docket No. 10111395

AMENDMENTS TO THE DRAWINGS

The attached one (1) sheets of drawings include changes to Fig. 4A.

Attachment: Replacement Sheet(s) (1)

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REMARKS

Responsive to the Office Action mailed on July 9, 2007 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1, 6-7, 10-12, 14-18 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Price (US 5,606,756). Claims 2-5 are withdrawn from consideration.

In this paper, claim 1 and 14 are amended to recite that the air pump assembly comprises a fan and motor and inflation and powered deflation of the inflatable mattress pad in accomplished by activation of the motor to pump air respectively into and out of the inflatable mattress pad.

Claims 21 and 22 are amended to recite that the inflatable mattress pad comprises a wall, and the air pump assembly is built into the wall and extends into the interior of the inflatable mattress pad such that the air pump assembly is recessed into the inflatable mattress pad. Support for the amendments can be found, for example, in Figs. 4A-4F and the related description in the specification. Claims 3, 7, 11 and 12 are amended to correspond to claim 1. Claim 25 is amended to correct a typographical error. Claim 16 is canceled. The specification and Fig. 4A are amended to include a reference number for the inflatable mattress pad wall (41a). Thus, on entry to this amendment, claims 1-7, 10-12, 14-15, 17-18 and 20-27 remain in the application.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Rejections Under 35 U.S.C. 102(b)

Claims 1, 6-7, 10-12, 14-15, 17-18 and 20-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Price. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

The rejection of a claim for anticipation under 35 U.S.C. §102 requires that the prior art reference include every element of the rejected claim. Furthermore, as stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention “arranged as in the claim.” *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

Price teaches an air bedding system including a diaphragm pump. A controller is used to activate the diaphragm pump to force air into, for example, an air core to achieve inflation thereof. Deflation of the air core is achieved by activation of solenoids and opening of associated valves to allow air to exhaust from the air core. Col. 10, 61-63; col. 16, 31-34; col. 18, lines 9-11.

In the rejections, the Examiner relies on the system shown in Fig. 29 of Price to teach the limitations of the claims pending in this application. Said system includes a “mattress 312,” an “air wedge 318,” a “solid wall 324,” an “external hose 322,” and a “diaphragm pump 26 disposed entirely within mattress 312.” Col. 18, line 43 to col. 19, lines 22.

Price fails to teach or suggest an air pump assembly, built into the inflatable mattress pad and comprising a fan and motor, the air pump assembly arranged to inflate the inflatable mattress pad by activation of the motor to pump air into the inflatable mattress pad and power deflate the inflatable mattress pad by activation of the motor to pump air out of the inflatable mattress pad, as recited in claim 1.

In the Office action dated July 9, 2007, the Examiner interprets the claim term “power deflate” to read onto deflation of an air core achieved by activating a solenoid to allow air to exhaust therefrom. As amended, claim 1 recites an air pump assembly arranged to power deflate the inflatable mattress pad by activation of a motor to pump air out of the inflatable mattress pad. Applicant submits that this feature is not taught or suggested by Price. Furthermore, examination of the pump construction shown in Figs. 10-17, 20 and 21 of Price reveals that it would be technically impossible for the diaphragm pump to exhaust air by motor assisted (power) deflation.

In addition, Applicant continues to disagree that Price teaches that diaphragm pump 26 is built into an inflatable mattress pad. In particular, "mattress 312" in Fig. 29 is not described as being inflatable in the related description of the figure. Furthermore, in embodiments of Price's system, the diaphragm pump is disposed within non-inflatable foam segments surrounding one or more air cores. See, for example, Figs. 18 and 23. Given the lack of disclosure regarding the structure of mattress 312 shown in Fig. 29 (or Fig. 33), Applicant respectfully submits that the Examiner is reading claim features into the figure without adequate foundation in the actual reference itself.

Price fails to teach or suggest an air pump assembly built into the inflatable mattress pad and comprising a fan and motor, the air pump assembly separately connected to the inflatable mattress pad and inflatable back support for inflation and powered deflation thereof by activation of the motor to pump air respectively into and out of the inflatable mattress pad, as recited in claim 14.

For reasons similar to those discussed in connection with claim 1, Applicant submits that Price fails to teach or suggest an inflatable mattress pad and air pump assembly arranged as recited in claim 14.

Price fails to teach or suggest that the inflatable mattress pad comprises a wall, and the air pump assembly is built into the wall and extends into the interior of the inflatable mattress pad such that the air pump assembly is recessed into the inflatable mattress pad, as recited in claims 21 and 22.

Applicant submits that this feature is absent from Price's disclosure. Claims 21 and 22 are therefore believed to be allowable for this alternate and independent reason.

For the reasons described above, it is Applicant's belief that the cited reference fails to teach or suggest all the limitations of at least claims 1, 14, 21 and 22. Applicant therefore respectfully requests that the rejection of claims 1, 14, 21 and 22 be withdrawn and the claims passed to

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issue. Insofar as claims 6-7, 10-12, 15, 17-18 and 20, and 23-27 depend from one of claims 1 or 14 either directly or indirectly, and therefore incorporate all of the limitations of claims 1 or 14, it is Applicant's belief that these claims are also in condition for allowance.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so. The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to Deposit Account No. **502447**.

Respectfully submitted,

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